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# HOUSE BILL No. 1093

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-38-12-4; IC 33-39-9-4.

**Synopsis:** Personal liability for judges and prosecutors. Allows the governor to determine whether the state will pay damages or settlements in lawsuits filed against judges or prosecuting attorneys involving claims of politically motivated retaliation or civil rights violations.

**Effective:** July 1, 2005.

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January 6, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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## HOUSE BILL No. 1093

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 33-38-12-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **(a) Except as**  
3 **provided in subsection (b),** the state shall pay the expenses incurred  
4 by a judge from a threatened, pending, or completed action or  
5 proceeding that arises from:  
6 (1) making;  
7 (2) performing; or  
8 (3) failing to make or perform;  
9 a decision, a duty, an obligation, a privilege, or a responsibility of the  
10 judge's office.  
11 **(b) If a judge is or could be subject to personal civil liability**  
12 **resulting from an act or omission within the scope of the judge's**  
13 **employment that involves a claim of:**  
14 (1) politically motivated retaliation; or  
15 (2) a violation of the civil rights laws of the United States;  
16 **the state may pay any judgment, compromise, or settlement of the**  
17 **claim or suit if the governor determines that paying the judgment,**

2005

IN 1093—LS 6247/DI 107+



**compromise, or settlement is in the best interest of the state.**

SECTION 2. IC 33-39-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **(a) Except as provided in subsection (b),** the state shall pay the expenses incurred by a prosecuting attorney from a threatened, pending, or completed action or proceeding that arises from:

- (1) making;
- (2) performing; or
- (3) failing to make or perform;

a decision, a duty, an obligation, a privilege, or a responsibility of the prosecuting attorney's office.

**(b) If a prosecuting attorney is or could be subject to personal civil liability resulting from an act or omission within the scope of the prosecuting attorney's employment that involves a claim of:**

- (1) politically motivated retaliation; or**

**(2) a violation of the civil rights laws of the United States;**  
**the state may pay any judgment, compromise, or settlement of the claim or suit if the governor determines that paying the judgment, compromise, or settlement is in the best interest of the state.**

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